

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CONSTELLATION NEWENERGY, INC. :

Plaintiff, :

v. :

No. 02-CV-2733 (HB)

POWERWEB TECHNOLOGIES, INC., et al. :

Defendants. :

**SUPPLEMENTAL RESPONSES TO CONSTELLATION NEWENERGY'S THIRD SET
OF INTERROGATORIES DIRECTED TO POWERWEB TECHNOLOGIES, INC.**

Pursuant to Federal Rule of Civil Procedure 26(e)(2), Powerweb Technologies, Inc.

("Powerweb") hereby supplements its responses to the following interrogatories contained in
Constellation NewEnergy's Third Set of Interrogatories:

33. Identify the person most knowledgeable with respect to your claim for \$100
million in damages.

SUPPLEMENTAL RESPONSE: Subject to and without waiving any objections
previously made, Powerweb responds that the determination of the person most knowledgeable
with respect to its claim for damages is subject to differing interpretations, but that Lothar E.S.
Budike Jr., Dr. Peter Fox-Penner, and Constantino Gus Pappas are knowledgeable on that
subject.

34. State each separate category of damages you claim and the amount of damages
for each category.

SUPPLEMENTAL RESPONSE: Subject to and without waiving any objections
previously made, Powerweb directs NewEnergy to the reports of The Brattle Group, dated April
2004, and Constantino Gus Pappas, dated March 31, 2004. Powerweb further responds that the

reports set forth the categories and amount of damages, with the exception of punitive damages and attorneys fees, asserted by Powerweb pursuant to all theories of liability asserted in the Amended Counterclaims, including causes of action sounding in tort.

35. Identify each document that refer [sic] or relate [sic] to your claim for damages.

SUPPLEMENTAL RESPONSE: Subject to and without waiving any objections previously made, Powerweb directs NewEnergy to the reports of The Brattle Group, dated April 2004, and Constantino Gus Pappas, dated March 31, 2004, and the documents cited therein. The further identification of each and every document that may refer or relate to Powerweb's claim for damages is overly broad and unduly burdensome.

37. Identify all expert witnesses whom you intend to call on your behalf at trial.

SUPPLEMENTAL RESPONSE: Subject to and without waiving any objections previously made, Powerweb identifies Dr. Peter Fox-Penner of the Brattle Group and Constantino Gus Pappas. Additionally, Powerweb identifies Lothar E.S. Budike, Jr., Andrew Bakey, Joseph Bonner, and Lothar E.S. Budike Sr. to the extent that their testimony may include opinions or inferences based upon scientific, technical or other specialized knowledge.

Kara H. Goodchild

Rudolph Garcia

Kara H. Goodchild

Kristin L. Calabrese

SAUL EWING LLP

Centre Square West

1500 Market Street, 38th Floor

Philadelphia, PA 19102-2186

(215) 972-7187

Dated: May 3, 2004

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CONSTELLATION NEWENERGY, INC. :
Plaintiff, :
v. : No. 02-CV-2733 (HB)
POWERWEB TECHNOLOGIES, INC., *et al.*, :
Defendants. :

CERTIFICATE OF SERVICE

I, Kara H. Goodchild, hereby certify that the foregoing Supplemental Response to Constellation NewEnergy's Third Set of Interrogatories was served today via hand delivery, upon the following counsel of record:

Zachary Glaser, Esquire
Wolf, Block, Schorr and Solis-Cohen, LLP
1650 Arch St., 22nd Floor
Philadelphia, PA 19102

Kara H. Goodchild
Kara H. Goodchild

Date: May 3, 2004

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CONSTELLATION : CIVIL ACTION
NEWENERGY, INC. :

V. :

POWERWEB TECHNOLOGIES, :

INC, A-VALEY ENGINEERS, :

INC., and LOTHAR E.S. :

BUDIKE, JR. : NO. REPLACE

COPY

OCTOBER 22, 2003

CONFIDENTIAL

Oral deposition of LOTHAR
E.S. BUDIKE, JR, held in the offices of
Wolf, Block, Schorr & Solis-Cohen, LLP,
1650 Arch Street, Philadelphia,
Pennsylvania 19103, commencing at 10:00
a.m., on the above date, before Amanda
Dee Maslynsky-Miller, a Certified
Realtime Reporter and Notary Public in
and for the Commonwealth of Pennsylvania.

ESQUIRE DEPOSITION SERVICES
1880 John F. Kennedy Boulevard
15th Floor
Philadelphia, Pennsylvania 19103
(215) 988-9191

1 after having been duly sworn, was
2 examined and testified as follows:

3 - - -

4 EXAMINATION

5 - - -

6 BY MR. LANDAU:

7 Q. Good morning, Mr. Budike.

8 A. Good morning.

9 Q. My name is David Landau and
10 I represent Constellation NewEnergy, the
11 plaintiff in this matter. We're here
12 today to take your deposition. Have you
13 ever been deposed before?

14 A. Yes.

15 Q. On how many occasions?

16 A. Once.

17 Q. Was that personal or
18 business related?

19 A. Personal.

20 Q. Let me talk about a few
21 ground rules of a deposition just so
22 we're on the same page.

23 I'm going to be asking you a
24 series of questions. If at any time you

1 A. President and CEO.

2 Q. Do you have an ownership in
3 Powerweb Technologies?

4 A. Yes, sir.

5 Q. And what's that ownership
6 interest? Sole owner or --

7 A. There are other owners.

8 Q. How long have you been the
9 President and CEO of Powerweb
10 Technologies?

11 A. Since inception, 1991.

12 Q. Can you give me your current
13 address, please?

14 A. 5 Springton Pointe Drive,
15 that's point with an E, Newtown Square,
16 Pa. 19073.

17 Q. Would you give me the
18 current address of Powerweb Technologies?

19 A. 415 East Baltimore Pike,
20 Media, Pa. 19063.

21 Q. Mr. Budike, were you
22 involved in responding to written
23 discovery in this matter, sir, by
24 NewEnergy? Do you understand what I mean

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
Civ.No. 02-CV-2733 (HB)

CONSTELLATION NEW ENERGY, INC.,
Plaintiff,

V.

WITNESS:
ANDREW BAKEY

POWERWEB TECHNOLOGIES, INC.,
A-VALEY ENGINEERS, INC. AND
LOTHAR E.S. BUDIKE, JR.,

Defendants.

COPY

Philadelphia, Pennsylvania
February 19, 2004

TRANSCRIPT of testimony of as taken by
and before Maureen McCarthy, a Registered
Professional Reporter and Commissioner in and for the
Commonwealth of Pennsylvania, at the offices
WOLF, BLOCK, SCHORR AND SOLIS-COHEN, 1650 Arch Street,
22nd Floor, on the above date, commencing at 9:30 am.

ESQUIRE DEPOSITION SERVICES
1880 John F. Kennedy Boulevard
15th Floor
Philadelphia, Pennsylvania 19103
(215) 988-9191

1 (It is hereby stipulated and agreed, by and
2 among counsel, that filing and certification are
3 waived; and that all objections, except as to the form
4 of the question, are reserved until time of trial.)

5 ANDREW BAKEY, after having been first
6 duly sworn, was examined and testified as follows:

7 EXAMINATION

8 BY MR. GLASER:

9 Q. Good morning, Mr. Bakey. State your full name
10 for the record.

11 A. Andrew Martin Bakey.

12 Q. Have you ever been deposed, Mr. Bakey?

13 A. No, I have not.

14 Q. Well, let me try to explain the ground rules.

15 I'm going to ask you questions. You're going
16 to give answers to the best of your ability. It will
17 be helpful, it is being transcribed, if you let me
18 finish my questions and I will do my very best to let
19 you finish your answers.

20 Because it's being transcribed, you have to
21 give verbal answers, a nod of your head, uh-huh won't
22 come up on the transcript and it will be useless, so I
23 may remind you from time to time.

24 Over the course of the deposition -- just stop

1 MR. NASTASI: Objection.

2 BY MR. GLASER:

3 Q. Did you testify that you gave PowerWeb the
4 right to use your document in the fall of '99?

5 A. Yes.

6 Q. When did your relationship with PowerWeb
7 start?

8 MR. NASTASI: Objection. Vague.

9 Q. When did you meet Lou Budike?

10 A. In the spring of '99.

11 Q. Do you remember specifically?

12 A. Not a date.

13 Q. Were you ever hired by PowerWeb?

14 A. Both as a consultant and then later as an
15 employee.

16 Q. So the answer to my question is yes?

17 A. Yes.

18 Q. When were you first hired by PowerWeb?

19 A. As a consultant or employee?

20 Q. Any capacity whatsoever.

21 A. It was the fall of 1999.

22 Q. Do you remember specifically?

23 A. No.

24 Q. So it's just as likely it was December 20th as